

REMARKS

Status of Claims

This Supplemental Amendment is supplemental to the Amendment and Reply filed on June 29, 2007 and in further response to the Office Action mailed March 29, 2007. This Supplemental Amendment incorporates the amendments made in the Amendment and Reply filed on June 29, 2007. Claims 1-16 were pending in the application. Claim 17 has been added. Support for these amendments, for example, can be found on page 19, lines 5-16. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier. Therefore, claims 1-17 are pending in the application. The Examiner is respectfully requested to consider the amendments made herein.

Prior Art Rejections

In the Office Action, claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication 2002/0143646 to Boyden (hereinafter "Boyden"). Claims 2-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyden in view of by U.S. Patent Application Publication 2002/0116305 to Abhyanker (hereinafter "Abhyanker"). Applicants respectfully traverse these rejections for at least the following reasons.

The instant invention is directed towards a personal seller terminal, a dealer terminal, a participant terminal and a distributor terminal that are all connected to an auction server, which manages an auction site, through a network. When an auction commodity displayed in the auction site by the personal seller terminal and a dealer commodity or commodities which are displayed in the auction site by the dealer terminal are ordered in combination by the participant terminal, the auction server calculates, in regard to the charge to be paid to the distributor, the amounts to be borne in accordance with the prices of the auction commodity and the dealer commodity or commodities and performs a sales process based on the calculated amounts.

Claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Boyden. Claim 1 has been amended to recite an auction system "wherein the amount of the delivery charge borne by the dealer is dependent upon the auction commodity which is to be sold."

Boyden is directed towards an auction system for used cars. Boyden generally teaches determining delivery costs for an auction commodity (a used car) that is sold. However, there is no teaching in Boyden of a determination of how much of the delivery charge is to be borne by the dealer, let alone any teaching of such a determination depending upon the auction commodity that is sold. If this rejection is maintained, the examiner is respectfully requested to point out where these features are disclosed in Boyden.

Claims 2-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyden in view of Abhyanker. Independent claims 2, 7, 10, 13, 16 and 17 recite a similar limitation as that of claim 1, generally citing an auction system “wherein the amount of the delivery charge borne by the dealer is dependent upon the auction commodity which is to be sold.” The comments pertaining to Boyden above are equally applicable here. Boyden fails to teach or suggest the relationship between the auction commodity and the amount of delivery charge that is borne by the dealer. That is, there is no teaching or suggestion in Boyden of an auction system “wherein the amount of the delivery charge borne by the dealer is dependent upon the auction commodity which is to be sold”.

Abhyanker fails to make up for the deficiencies of Boyden as shown above. Abhyanker is directed towards facilitating an auction and selecting shipping services through a bidding method. The portal of Abhyanker either selects a bid, or allows the buyer or seller to select a bid. There is no teaching or suggestion in Abhyanker of a determination of how much of the bid (delivery charge) is to be borne by the dealer, let alone any teaching of such a determination depending upon the auction commodity that is sold.

As shown above, Boyden also fails to teach this feature of independent claims 2, 7, 10, 13, and 16. Thus, Abhyanker, either alone or in combination with Boyden, would also fail to teach all of the limitations of the independent claims 2, 7, 10, 13 and 16. If this rejection is maintained, the examiner is respectfully requested to point out where these features are disclosed in either Boyden or Abhyanker.

The dependent claims are also patentable for at least the same reasons as the independent claims on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole.

New claim 17 provides another embodiment of the invention that should further clarify the auction system as claimed. Specifically, claim 17 is directed towards a novel

auction system that includes a personal seller terminal, a dealer terminal, a participant terminal and a distributor terminal, and how they all interact during the sale and delivery of a product bought through the auction system. Claim 17 is also patentable with reference to Boyden and Abhyanker as cited above. Specifically, claim 17 shares the feature of an auction system “wherein the amount of the delivery charge borne by the dealer is dependent upon the auction commodity which is to be sold,” which none of the prior art references cited in the outstanding Office Action teach. As mentioned above, Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, Applicant believes that the application is now in condition for allowance. An indication of the same is respectfully requested. If there are any questions regarding the application, the examiner is invited to contact the undersigned attorney at the local telephone number below.

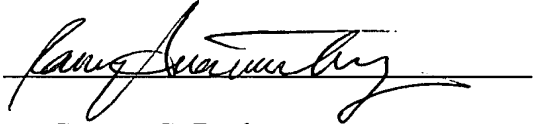
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date August 21, 2007

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By

A handwritten signature in black ink, appearing to read "George C. Beck", is written over a horizontal line.

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